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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

JUSTIN LEE HENSON,

Defendant and Appellant.

F064227

(Super. Ct. No. F10905879)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Fresno County. Don Penner, Judge.

Jeffrey S. Kross, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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\* Before Wiseman, Acting P.J., Cornell, J. and Franson, J.

Appellant, Justin Lee Henson, pled no contest to home invasion robbery (Pen. Code, §§ 211, 213, subd. (a)(1)(A);<sup>1</sup> count 1), false imprisonment by violence (§§ 236, 237, subd. (a); count 2) and first degree burglary (§§ 459, 460, subd. (a); count 3), and admitted allegations that in committing the count 1 and count 2 offenses he personally used a firearm (§§ 12022.53, subd. (b), count 1; 12022.5, subd. (a), count 2). Pursuant to a motion by the People, the court dismissed a second charged count of first degree burglary (count 4). The court imposed the indicated prison term of 19 years, consisting of the nine-year upper term on the count 1 offense and 10 years on the accompanying arming enhancement. The court also imposed, and stayed pursuant to section 654, the following terms: on count 2, the three-year upper term, plus 10 years on the accompanying arming enhancement, and on count 3, the upper term of six years.

Appellant filed a timely notice of appeal. He did not request, and the court did not issue, a certificate of probable cause (§ 1237.5).

Appellant's appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d. 436.) Appellant has not responded to this court's invitation to submit additional briefing. We affirm.

## FACTS

The “**BRIEF SUMMARY OF FACTS**” section of the report of the probation officer states the following: “On November 12, 2010, [appellant and two others] broke into the victim's residence while she was home with her 5-year[-]old daughter and 15-month[-]old son. The [three] stole property valued at approximately \$6,375. One of the suspects held the victim at gunpoint, as she held her two children.”

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<sup>1</sup> All statutory references are to the Penal Code.

### **DISCUSSION**

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

### **DISPOSITION**

The judgment is affirmed.